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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
NGUYEN, TAI T	
ART UNIT	**PAPER NUMBER**
2632	

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/675,111	CROWLEY, CHRISTOPHER T.	
	Examiner	Art Unit	
	Tai T. Nguyen	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17,19-34 and 36-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17,19-34 and 36-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The indicated objected of claim 35 is withdrawn in view of the newly discovered reference(s) to Ishikawa et al (US 6,366,206). Rejections based on the newly cited reference(s) follow.

Claim Objections

2. Claim 19 is objected to because of the following informalities: Claim 18 has been cancel by the amendment filed on June 30, 2005 and claim 19 is depend on the canceled claim 18. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-2, 5-6, 11-14, 20-21, 24, 26, 32-34, 36-39, 44, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (US 2004/0036626) in view of Ishikawa et al. (US 6,366,206).

Regarding claims 20, 44 and 47, Chan et al. disclose a system (figure 1) for an animate body temperature over an air interface comprising:

a portable hand-held probe (100) for transmitting and receiving signals via air interface (figure 1, paragraph 41), comprising:

a first antenna (116);

a power source (124);

a user output (120); and

a sensor (104), interconnectable to an animate body, for receiving a signal from the probe, measuring a temperature of the body, and transmitting a response signal indicative of the temperature to the probe via the air interface (paragraph 42), the sensor including:

a second antenna (128) for receiving and sensing signals;

a conversion circuit (136) for converting signal to a drive signal (paragraph 44); and

a temperature measurement device (140) operative to utilize the drive signal to measure the temperature and generate an output indicative of the temperature(figure 1, paragraph 42).

Chan et al. disclose the instant claimed invention except for an oscillator operative to vary a load applied to the second antenna according to the output in order to generate the response signal. Ishikawa et al. teach a system for attaching tags to medical device comprising a transponder (67) having an RF oscillator (85) operative to vary a load applied to an antenna (65) according to an output from a sensor in order to generate the response signal (figure 6). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the oscillator as

taught by Ishikawa et al. in the system as disclosed by Chan et al. for the purpose of generating frequency applied to the antenna in order to transmit a response signal.

Regarding claim 21, Chan et al. disclose the hand-held probe being operative to transmit an energizing field from the first antenna (paragraph 41).

Regarding claim 24, Chan et al. disclose the user output provides a visual output indicating the temperature (figure 1, paragraph 41).

Regarding claim 26, Chan et al. disclose the hand-held probe comprises a switch (108) for selectively activating transmission signals from the first antenna (paragraph 41).

Regarding claim 32, Chan et al. disclose the conversion circuit comprises a rectifying circuit (212, figure 2) for converting received signal into DC drive signal.

Regarding claim 33, Chan et al. disclose the conversion circuit further comprises a storage means for storing DC drive signal (paragraph 44).

Regarding claim 34, Chan et al. disclose the temperature measurement device (140) for producing an output indicative of temperature upon application of drive signal (paragraph 42) but fail to disclose the temperature measurement device being a thermistor. Since Chan et al. disclose the temperature, as mentioned above, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize a thermometer for the same purpose of measuring temperature and producing an output signal therefrom.

Regarding claim 36, Chan et al. disclose the sensor transponder further comprises a memory structure (148, figure 1).

Regarding claims 37-38, Chan et al. disclose the memory structure (figure 1) but fail to disclose the memory structure includes factory set information and being read/write capability. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to includes factory set information and being read/write from/to the memory for the purpose of read information store therein and write a new set of information thereto.

Regarding claim 39, Chan et al. disclose the sensor transponder including a housing for housing the second antenna, conversion circuit, temperature measurement device therein (figure 1).

Regarding claims 1 and 12-13, the claimed method steps would have been inherent in the product structure as stated in claim 20 above. Chan et al. not only disclose the transponder being ingested in the body but further disclose other attachment methods for securing transponder to a monitoring object (col. 11, lines 1-25).

Regarding claim 2, the claimed method steps would have been inherent in the product structure as stated in claim 21 above.

Regarding claim 5, the claimed method steps would have been inherent in the product structure as stated in claim 32 above.

Regarding claim 6, the claimed method steps would have been inherent in the product structure as stated in claim 34 above.

Regarding claim 11, the claimed method steps would have been inherent in the product structure as stated in claim 24 above.

Regarding claim 14, the claimed method steps would have been inherent in the product structure as stated in claim 26 above.

5. Claims 3-4, 7-10, 22-23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (US 2004/0036626) in view of Watters et al. (US 6,806,808).

Regarding claims 22-23, Chan et al. disclose a passive transponder receives power from an external source, e.g. inductive coupling as well as radio frequency (paragraph 3) but fail to disclose a radio frequency signal having frequency between 100KHz-2.5GHz. Watters et al. teach a wireless event-recording device (100) having an interrogator (102) communicating with an event-recording device (104) over an air interface (figure 1), wherein the communication takes place via electromagnetic radiation and operatively at frequency range between 125 KHz and 5800 MHz (col. 7, lines 7-40). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the communicating design as taught by Watters et al. in the system as disclosed by Chan et al. for the purpose of facilitating communicating between the probe and the transponder that enable.

Regarding claim 25, Chan et al. disclose the first antenna comprises a transmitting antenna and receiving antenna, wherein the transmitting and receiving antennae are separate elements (paragraph 41).

Regarding claims 3-4, the claimed method steps would have been inherent in the product structure as stated in claims 22-23 above.

Regarding claims 7-8, the claimed method steps would have been inherent in the product structure as stated in claim 25 above.

Regarding claims 9-10, the claimed method steps would have been inherent in the product structure as stated in claims 22-23 above.

6. Claims 15-17,19, 40-43, and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (US 2004/0036626) in view of Bui et al. (US 2204/0153344).

Regarding claims 40 and 45-46, Chan et al. disclose the instant claimed invention except for the housing further comprises a band sized for disposition around a patient extremity and being operative to hold the housing against a dermal surface of the animate body. Bui et al. teach a system for creating and updating a mobile patient care plane in real-time including an RFID tag (29) attached to a band sized (24) for disposition around a patient extremity and being operative to hold the housing against a dermal surface of the animate body (figure 1, paragraphs 26-27). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the band sized holding the RFID therein as taught by Bui et al. in the system as disclosed by Chan et al. for the purpose of holding the housing against a dermal surface of an animate body (figure 1) in order to sense the body temperature.

Regarding claims 41-43, Chan et al. disclose the instant claimed invention except for an adhesive surface disposed on the housing for adhering the housing to the dermal surface of the animate body, a protective layer movable layer on the adhesive

surface, and an insulated layer. Bui et al. teach the band sized holding the RFID tag and being worn by a patient as a patient identification bracelet (paragraph 27). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use an adhesive surface for adhering the housing to the patient body, the housing for adhering the housing to the dermal surface of the animate body, a protective layer movable layer on the adhesive surface, and an insulated layer for the purpose of sensing the body temperature.

Regarding claim 15, the claimed method steps would have been inherent in the product structure as stated in claim 40 above.

Regarding claims 16-17 and 19, the claimed method steps would have been inherent in the product structure as stated in claims 41-43 above.

7. Claims 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (US 2004/0036626) in view of Barber et al. (US 2001/0033230).

Regarding claims 27-31, Chan et al. disclose the instant claimed invention except for the hand-held probe comprises a memory for storing at least one temperature, being operative to store information associated with the response signal indicative of the temperature, a microprocessor for comparing the response signal with the information to identify the temperature, a user input for inputting information for storage with the temperature, and a data output port for downloading data from the hand-held probe to a data storage device. Barber et al. teach a pest control system including an hand-held probe (30) having a memory (38) a microprocessor (36) and a

user I/O port (37) for user inputting information therein and outputting data to a data storage device (40, figures 1 and 5, paragraphs 26 and 39-41). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the design system as taught by Barber et al. in the system as disclosed by Chan et al. for the purpose of for storing at least one temperature, being operative to store information associated with the response signal indicative of the temperature, a microprocessor for comparing the response signal with the information to identify the temperature, a user input for inputting information for storage with the temperature, and a data output port for downloading data from the hand-held probe to a data storage device that enable the user sees what is the measurement temperature of the patient.

Response to Arguments

8. Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ikefuji (US 5,774,062, Beigel (US 5,499,017), and Kuzara (US 4,532,892).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tai T. Nguyen
Examiner
Art Unit 2632

September 8, 2005